

REMARKS

Entry of the above claim amendments is respectfully requested. The amended claims avoid the rejections set forth in the Final Office Action, and place the case in condition for allowance, and in better condition for appeal, should appeal become necessary.

The applicant's agent wishes to show good and sufficient reason, as required by 37 CFR 1.116(c), why the above claim amendments were not earlier presented. The applicant's agent would have presented the amendments in response to the first Office Action if the applicant's agent could possibly have known or imagined that the first Office Action was analogizing the "memory block" in U.S. Patent No. 6,493,847 ("Pang") to the "data buffer" in Claim 1. The first Office Action did not specifically state that this analogy was being made.

Quite understandably, the applicant's agent thought that the first Office Action was analogizing the "log buffer" in Pang to the "data buffer" in Claim 1, since the "log buffer" in Pang seemed more like a "data buffer" than a "memory block" did. It is respectfully submitted that any reasonable person would have come to the same conclusion. Had the applicant's agent known that the first Office Action was actually comparing Claim 1's "data buffer" to Pang's "memory block," the applicant's agent would have presented the amendments earlier. The clarification that Claim 1's "data buffer" was being compared to Pang's "memory block" was only provided in the Final Office Action, so this reply is the applicant's agent's first opportunity to respond to the comparison.

Because good and sufficient reason for why the above claim amendments were not earlier presented has now been shown in accordance with 37 CFR 1.116(c), entry of the above claim amendments is respectfully requested.

STATUS OF CLAIMS

Claims 5, 6, 8, 9, and 14-35 have been canceled. Claims 36-45 have been added. Thus, Claims 1-4, 7, 10-13, and 36-45 are pending in the application.

Claims 1-4, 7, 10, and 13 have been amended. No new matter has been added.

CLAIM REJECTIONS – 35 U.S.C. § 112, SECOND PARAGRAPH

The Final Office Action rejected Claims 2, 8, 14-16, 18, 24, and 30-35 under 35 U.S.C. §112, second paragraph, as being indefinite. These claims were rejected because they recited the word “likely.”

Claims 8, 14-16, 18, 24 and 30-35 have been canceled, thereby obviating the rejection of those claims. Claim 2, as amended, no longer recites the word “likely.” Withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejected Claims 1-35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,086 (“Lomet”) in view of Pang. Claims 8, 14-16, 18, 24 and 30-35 have been canceled, thereby obviating the rejection of those claims.

Claim 1, as amended, now recites:

reading a buffer index value that identifies a data buffer that was last used for buffering data;
incrementing the buffer index value;
locating a buffer array entry that is associated with the buffer index value;
determining whether the buffer array entry indicates a particular value;
if the buffer array entry does not indicate the particular value, then
 attempting to obtain a lock on a particular data buffer that is
 associated with the buffer array entry; and
 if the buffer array entry indicates the particular value, then incrementing
 the buffer index value.

Neither Lomet nor Pang discloses, teaches, or suggests the limitation, “if the buffer array entry does not indicate the particular value, then attempting to obtain a lock on a particular data buffer that is associated with the buffer array entry” as recited in Claim 1.

The Final Office Action does not even allege that Lomet discloses anything about locks on data buffers.

The Final Office Action notes that, in col. 6, lines 57-66, Pang discloses that the incrementing and decrementing of a reference count variable and a current offset value is performed atomically, such as by using an interlock operation of a particular operating system. The Final Office Action apparently cites this text in an attempt to demonstrate that Pang discloses the concept of locking.

However, Pang says nothing about “memory block 210” or “log buffer 204” being updated atomically. Pang’s locking operations appear to apply only to the reference count variable and the current offset value, and not to either the memory block or the log buffer.

Indeed, Pang discloses that the reference count variable represents a number of threads that are **concurrently** using a log buffer to **record** event data (col. 5, lines 64-66). There is no way that multiple threads could concurrently record event data to a log buffer if one of the threads had obtained a lock on the log buffer.

Therefore, even if Lomet and Pang could be combined, the combination still would not disclose, teach, or suggest the limitation, “if the buffer array entry does not indicate the particular value, then attempting to obtain a lock on a particular data buffer that is associated with the buffer array entry” as recited in Claim 1. It is respectfully submitted that Claim 1, as amended, is patentable over Lomet and Pang under 35 U.S.C. § 103(a).

The remaining pending claims either depend from Claim 1 or are computer-readable medium or computer system analogues of Claim 1. Therefore, it is respectfully submitted that the remaining pending claims are also patentable over Lomet and Pang under 35 U.S.C. § 103(a) for at least the reasons given in relation to Claim 1.

MISCELLANEOUS

Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution. To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on February 9, 2005
(Date)

by Judy Paradaishi
(Signature)